

B-104 (Rev. 2/92) ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS: JUAN R. GOMEZ MARTINEZ; NILSA M. RODRIGUEZ CORREA		DEFENDANTS: POPULAR INC. D/B/A POPULAR AUTO; STEEL AND PIPES, INC.; CAVALRY PORTFOLIO SERVICES, LLC; NATIONAL ACTION FINANCIAL SERVICES, INC.; JOHN DOE; XYZ CORPORATION
ATTORNEYS (Firm NAME, Address and Telephone No.) NOEMI LANDRAU RIVERA, ESQ. P.O. BOX 270219 SAN JUAN, P.R. 00927-0219 TEL. (787) 774-0224 / FAX (787) 794-1004		ATTORNEYS (if known): <i>NOEMI LANDRAU RIVERA, ESQ.</i> 1008 APR 18 2008 U.S. DISTRICT COURT 3:42
PARTY (Check one box only)		<input type="checkbox"/> 1 U.S. PLAINTIFF <input type="checkbox"/> 2 U.S. DEFENDANT <input checked="" type="checkbox"/> 3 U.S. NOT A PARTY
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) WILLFUL VIOLATION OF THE AUTOMATIC STAY; 11 U.S.C. § 362		
NATURE OF SUIT (Check the one most appropriate box only.)		
<input type="checkbox"/> 454 To Recover Monty or Property <input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11, Chap. 12, or Chap. 13 Plan <input type="checkbox"/> 456 To obtain a declaratory judgment relating to any of foregoing causes of action		
<input type="checkbox"/> 435 To determine Validity, Priority, or Extent of a Lien or other Interest in Property <input type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. §523 <input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court		
<input type="checkbox"/> 457 To obtain approval for the sale of both the interest of the estate and of a co-owner in property <input type="checkbox"/> 434 To obtain an injunction or other equitable relief <input checked="" type="checkbox"/> 498 Other: (specify) Violation of the automatic stay		
<input type="checkbox"/> 424 To object or to revoke a discharge 11 U.S.C. §727 <input type="checkbox"/> 458 To subordinate any allowed claim Or interest except where such Subordination is provided in a plan		
ORIGIN OF PROCEEDINGS		<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed Proceeding <input type="checkbox"/> 4 Reinstated Or Reopened <input type="checkbox"/> 5 Transferred from another Bankruptcy Court
DEMAND		NEAREST THOUSAND: \$200,000.00
OTHER RELIEF SOUGHT AN ORDER TO CEASE AND DESIST		
BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTORS: JUAN R. GOMEZ MARTINEZ NILSA M. RODRIGUEZ CORREA		BANKRUPTCY CASE NO. 06-00285 GAC
DISTRICT IN WHICH CASE IS PENDING PUERTO RICO		DIVISIONAL OFFICE GERARDO CARLO ALTIERI
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF		DEFENDANT
DISTRICT		DIVISIONAL OFFICE
FILING FEE (Check one box only.)		<input type="checkbox"/> FEE ATTACHED <input checked="" type="checkbox"/> FEE NOT REQUIRED <input type="checkbox"/> FEE IS DEFERRED
DATE: APRIL 18, 2008		PRINT NAME: NOEMI LANDRAU RIVERA, ESQ.
		SIGNATURE OF ATTORNEY (OR PLAINTIFF) <i>Noemarie</i>

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:

JUAN R. GOMEZ MARTINEZ
NILSA M. RODRIGUEZ CORREA

DEBTOR

JUAN R. GOMEZ MARTINEZ
NILSA M. RODRIGUEZ CORREA
PLAINTIFFS

v.

POPULAR INC. D/B/A POPULAR AUTO;
STEEL AND PIPES, INC.; CAVALRY
PORTFOLIO SERVICES, LLC;
NATIONAL ACTION FINANCIAL
SERVICES, INC.; JOHN DOE; XYZ
CORPORATION
DEFENDANT

CASE NO. 06-00285 GAC

CHAPTER 13

ADVERSARY NO. _____

WILFUL VIOLATION OF AUTOMATIC
STAY PURSUANT 11 U.S.C. § 362;
CIVIL CONTEMPT

COMPLAINT

TO THE HONORABLE COURT:

Come now, JUAN R. GOMEZ MARTINEZ and NILSA M. RODRIGUEZ CORREA, Plaintiffs, herein through the undersigned attorney, and very respectfully before this Honorable Court presents the following complaint and pray:

I. JURISDICTION OF THIS COURT

Jurisdiction is invoked under 28 United States Code Section 157 (a)(b)(1) and §§ 157 (b)(2)(I), (b)(2)(O) and Section 1334. This proceeding is a core proceeding.

II. VENUE

Venue is proper in this District Court under 28 U.S.C. §1408 & §1409, in as such as all the events or omissions giving rise to the claims of the captioned case occurred

within the territory of this jurisdictional district.

III. PARTIES

1. JUAN R. GOMEZ MARTINEZ and NILSA M. RODRIGUEZ CORREA, hereinafter "Plaintiffs", are of legal age, married to each other, employed and resident of San Juan, Puerto Rico, with the following residential and mailing address: 1893 Calle Juan Suarez, Urb. Fair View, Rio Piedras, PR 00926.

2. POPULAR AUTO, hereinafter referred to as "POPULAR AUTO", is, to the best of PLAINTIFF's knowledge, a corporation duly organized and existing under the laws of the Commonwealth of Puerto Rico, with the following address: 1901 Jesus T. Piñero Avenue, Suite 467, San Juan, PR 00920-5608.

3. STEEL AND PIPES, INC., hereinafter referred to as "STEEL AND PIPES", is to the best of PLAINTIFFS' knowledge, a corporation duly organized and existing under the laws of the Commonwealth of Puerto Rico, with the following address: P.O. Box 5309, Caguas, PR 00726.

4. CAVALRY PORTFOLIO SERVICES, LLC, hereinafter referred to as "CAVALRY", is to the best of PLAINTIFFS' knowledge, a corporation duly authorized to conduct business in Puerto Rico and collection agency with the following address: 4050 Cotton Ctr. Blvd, Phoenix, Arizona 85040.

5. NATIONAL ACTION FINANCIAL SERVICES, INC., hereinafter referred to as "NATIONAL", is to the best of PLAINTIFFS' knowledge, a corporation duly authorized to conduct business in Puerto Rico and collection agency with the following address: 165 Lawrence Bell Dr. Ste 100, Williamsville, NY 14221-7817.

6. JOHN DOE, is fictitious or unknown defendant that is jointly and severally responsible for the acts alleged in this complaint.

7. XYZ CORPORATION, is fictitious or unknown defendant insurance company, that is jointly and severally responsible for the acts alleged in this complaint.

III. CLAIM AGAINST POPULAR AUTO

8. On February 4, 2006 Plaintiffs filed a voluntary Chapter 13 petition for bankruptcy relief, under case number 06-00285 GAC. Docket Entry No. 1. Trustee has not been discharged and the case remains active.

9. POPULAR AUTO is unsecured creditor of debtor by virtue of auto lease agreement obtained by Juan R. Gomez Martinez with POPULAR AUTO.

10. POPULAR AUTO was listed in Schedule F of Plaintiffs' petition for relief, included in the master address list and notified of the bankruptcy proceedings.

11. On March 1, 2006 POPULAR AUTO filed a unsecured proof of claim in the amount of \$3,499.20. See Claims Register Entry No. 5.

12. Plaintiffs' amended payment plan dated May 5, 2006 was confirmed by the Court on August 9, 2006. See Docket Entry No. 27. No objection to amended payment plan dated May 5, 2006 was filed by any creditor and no action for revocation of confirmation has been filed.

13. On or about the dates of October 23, 2006 and November 21, 2006 Plaintiffs received a collection letters from POPULAR AUTO requesting payment in the amount of \$3,532.80 for debt which was provided for under approved chapter 13 payment plan and for which POPULAR AUTO had filed proof of claim.

14. Subsequently and due to POPULAR AUTO's illegal collection efforts, on December 27, 2006 Plaintiffs filed an adversary proceeding number 06-00237 GAC in which they requested actual and punitive damages be assessed against POPULAR AUTO.

15. On January 26, 2007 POPULAR AUTO appeared before the Court and filed

its answer to the complaint filed by Plaintiffs. Subsequently the case was settled and on June 1, 2007 parties filed joint motion in which they requested the Court to approve the settlement agreement and enter order dismissing case.

16. On June 14, 2007 the Court entered order approving the stipulation filed by the parties.

17. Plaintiffs have continued to comply with the bankruptcy process and have rested upon BANCO POPULAR's compliance with the stipulation entered into and the bankruptcy process.

18. Subsequently, and in spite of beforementioned proceedings before the Court, on or about the date of July 31, 2007 Plaintiffs received an additional collection letter from POPULAR AUTO requesting payment in the amount of \$3,532.80. See **Exhibit A**.

19. Payment requested in letter dated July 31, 2007 was for a debt which was provided for under approved chapter 13 payment plan filed by Plaintiffs in their bankruptcy case and for which POPULAR AUTO had previously filed proof of claim on March 1, 2006. Moreover, POPULAR AUTO has again resorted to making collection efforts in pursuit of payment of a debt they know has been provided for within Plaintiffs' bankruptcy under case number 06-00237 GAC.

20. Plaintiffs have received from POPULAR AUTO an illegal collection attempt which request payment for debt which was included in Plaintiffs' petition for relief and for which POPULAR AUTO filed a proof of claim in the present case, and moreover Plaintiffs had filed a complaint regarding the illegal collection efforts of POPULAR AUTO and settled the suit.

21. POPULAR AUTO has made collection efforts to Plaintiffs disregarding the automatic stay order entered in the case. This in total disregard of the orders entered by

this Court and with callous disregard for the bankruptcy process which bars collection attempts upon a debtor under bankruptcy relief.

22. POPULAR AUTO's actions constitute a collection effort against a debtor stayed by the automatic stay and the statutes of the Bankruptcy Code and caused Plaintiffs stress, anguish and mental suffering for they keep receiving collection efforts in spite of having complied with the bankruptcy process and having once filed an adversary proceeding regarding the illegal conduct exhibited by POPULAR AUTO.

IV. CLAIM AGAINST STEEL AND PIPES, CAVALRY and NATIONAL

23. On February 4, 2006 Plaintiffs filed a voluntary Chapter 13 petition for bankruptcy relief, under case number 06-00285 GAC. Docket Entry No. 1. Trustee has not been discharged and the case remains active.

24. STEEL AND PIPES is unsecured creditor of Plaintiffs by virtue of consumer debt in the amount of \$537.00.

25. STEEL AND PIPES was listed in Schedule F of Plaintiffs' petition for relief, included in the master address list and notified of the bankruptcy proceedings.

26. Notice of the First Meeting of Creditors & Notice of Appointment of Interim Trustee was notified upon creditor STEEL AND PIPES. Main Case Docket Entry No. 6. Copy of certificate of service signed by Joseph Speetjens on February 8, 2006, which attests to the fact that STEEL AND PIPES was notified of the filing for relief, is attached and identified as **Exhibit B**.

27. Subsequently, and in spite of having been notified of Plaintiffs request for bankruptcy relief, on or about the date of November 9, 2007 Plaintiffs received a collection letter from NATIONAL on behalf of CAVALRY giving notice that a balance of \$537.00. Copy of collection letter sent to Plaintiffs by NATIONAL is attached and identified as

Exhibit C.

28. Collection letter sent to Plaintiffs were sent by NATIONAL at the behest of CAVALRY and STEEL AND PIPES, and requested payment for debt which was listed in Plaintiffs' petition for relief and included in Plaintiff's bankruptcy proceedings.

29. Collection letters sent to Plaintiffs were made with the intention of receiving payment.

30. Plaintiffs have received from NATIONAL, CAVALRY and STEEL AND PIPES illegal collection letter which requests payment for debt which was included in Plaintiffs' petition for relief, all the while STEEL AND PIPES, as all creditors in the bankruptcy case, had received notice of Plaintiffs' petition for bankruptcy relief.

31. In as much as NATIONAL, CAVALRY and STEEL AND PIPES made collection efforts to Plaintiffs through the sending of collection letter requesting payment of a debt included in Plaintiffs' petition for relief, they violated the automatic stay entered by this Court.

32. NATIONAL, CAVALRY and STEEL AND PIPES' actions constitute collection efforts against a debtor stayed by the automatic stay and the statutes of the Bankruptcy Code and caused Plaintiffs damages.

V. VIOLATION OF AUTOMATIC STAY

33. Creditor's collection efforts against a debtor that filed for relief under the Bankruptcy Code constitutes a violation of the automatic stay, according to Section 362 of the Bankruptcy Code, 11 U.S.C. § 362.

32. Collection efforts include any act to create, perfect or enforce any lien against property of the estate, 11 U.S.C. § 362 (4); any act to obtain possession of property of the estate or of property from the estate or to exercise control over the property of the estate, 11 U.S.C. § 362 (3) and any conduct described in Section 362 of the

Bankruptcy Code.

33. The protection of Section 362 of the Bankruptcy Code begins from the very moment the bankruptcy petition is filed until the case is closed or dismissed. At the time of defendants' collection efforts, the case was not dismissed or closed.

34. Defendants' actions were collection efforts against a debtor that is protected by the automatic stay, and therefore constitute a wilful violation of the automatic stay.

35. Damages under Section 362 of the Bankruptcy Code include actual and punitive damages for violation of the automatic stay.

36. The actions perpetrated by Defendants caused damages to Plaintiffs, as they have been placed in a state of anguish, mental suffering and uncertainty for they keep receiving collection attempts by a creditor who has had actual notice of their filing for bankruptcy relief.

37. Plaintiff's damages include stress, frustration, anxiety for receiving collection letters requesting payment of a debt which has been provided for and addressed in confirmed payment plan.

38. The actions perpetrated by Defendants and/or its agents are a clear and willful violation of the automatic stay.

VI. PUNITIVE DAMAGES ARE SPECIALLY WARRANTED IN THIS CASE AGAINST POPULAR AUTO

39. Plaintiffs reallege each and every preceding allegation as if fully set herein.

40. POPULAR has continued to pursue collection efforts against a debtor they are completely aware is under bankruptcy relief. POPULAR AUTO has knowledge of the automatic stay and it was repeatedly informed that all actions or proceedings to collect monies, enforce any claims or to levy on property of Debtor subsequent to the filing of the

aforesaid petition are stayed by law. Furthermore, Plaintiffs had filed adversary proceeding against POPULAR AUTO for the sending of collection letters and yet, after having been served with complaint and settled the matter, have again resorted to sending collection letters.

41. In doing so, POPULAR AUTO, acted with knowledge that Plaintiff had previously filed a bankruptcy petition and that such act was a willful violation of the Automatic Stay Order. Furthermore, POPULAR AUTO has continued to incur in illegal actions towards Plaintiffs as they have kept pursuing payment for a debt which they are aware is being paid through the bankruptcy process.

42. Such actions were willful and egregiously in violation of the Automatic Stay Order. A Creditor's continued defiance of the automatic stay order merits the imposition of punitive damages as the filing of a complaint has not been sufficient to compel POPULAR AUTO to take active measures to avoid repeatedly incurring in violations of the automatic stay.

43. POPULAR AUTO has knowledge of the wrongs and has been egregiously derelict in its affirmative duty to avoid illegal collection attempts upon Plaintiffs.

44. POPULAR AUTO's intentional, deliberate and repeated illegal collection efforts are in reckless disregard of this Honorable Court orders, namely the automatic Stay Order, order which POPULAR AUTO has repeatedly failed to abide.

45. Punitive damages are adequate and necessary in the present case, as BANCO POPULAR has demonstrated a lack of willingness to respect the automatic stay order and its conduct was not changed or affected by Plaintiffs' previous judicial petition for redress before the Court. Plaintiffs' submit the amount of \$100,000.00 in punitive damages against POPULAR AUTO is warranted due to its manifest unwillingness to respect the automatic stay in effect and avoid incurring in violations of the automatic stay.

46. As a result of Defendants' intentional, deliberate and unlawful conduct, Plaintiffs are entitled to compensatory damages in the amount of \$ 25,000.00 for suffering and mental anguish.

47. As a result of the Defendant's deliberate actions, Plaintiff is entitled to reasonable costs and attorney's fees.

WHEREFORE, in view of the foregoing, Plaintiffs respectfully request this Honorable Court to grant judgement in their favor in the following manner:

- i \$ 25,000.00 in damages against each Defendant.
- ii \$100,000.00 in punitive damages against BANCO POPULAR.
- iii \$50,000.00 in punitive damages against all other defendants.
- iv Costs and attorney's fees pursuant to 11 U.S.C. § 362(h).
- v. An order to Cease And Desist From Violations Of The Automatic Stay, against all Defendants.
- vi. That Defendants, be held in contempt of court for willful violation of the automatic stay order.
- vii. Any other relief that this Honorable Court may deem appropriate

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this day of April, 2008.

That a true and correct copy of this Complaint has been served to Chapter 13 Trustee, **Alejandro Oliveras**, at PO Box 9024092, San Juan, P.R. 00902-4062 and to all parties in interest as per master address list.

LANDRAU RIVERA & ASSOCIATES
Counsel for Plaintiffs
P.O. Box 270219
San Juan, PR 00927-0219
Tel. (787) 774-0224
Fax. (787) 793-1004


Email: landraulaw@ptc.net
NOEMI LANDRAU RIVERA
USDC 215510

Exhibit A

31 de julio de 2007

JUAN R. GOMEZ
URB FAIRVIEW
1893 CALLE JUAN SUAREZ
SAN JUAN, PR 00926-7633

CONTRATO: 02406733400091270

Estimado(a) cliente:

Según nos solicita, le ofrecemos el balance de liquidación correspondiente a la unidad que se describe a continuación:

Descripción	Balance de Liquidación a 08/01/2007
00/PLAN/PAGOS	Total de Liquidación \$3,532.80

Este balance es válido hasta el 10 de agosto de 2007 y está sujeto a cambios debido a cargos o créditos que puedan surgir hasta la cancelación oficial de la deuda con nuestra institución. Deberá enviar cheque certificado, de gerente o giro postal, en o antes de la fecha antes mencionada para poder efectuar la transferencia de titularidad.

Para información adicional u orientación sobre los requisitos, horarios y servicios que podemos ofrecerle para la cancelación y traspaso de su unidad, comuníquese con nosotros al 787-792-9282 ó 1-800-981-9282 y uno de nuestros representantes de servicio gustosamente le asistirá.

Nos reiteramos a su disposición y esperamos tener el placer de servirle nuevamente en sus futuras necesidades de Arrendamiento, Financiamiento o Renta Diaria.

Gracias por su patrocinio.

Cordialmente,



Heriberto Quinones-Velilla
Servicios al Cliente

P.D: Si usted es uno de nuestros clientes acogidos al Servicio de Pago Directo, le exhortamos a solicitar por escrito la cancelación de dicho servicio, si la intención es cancelar su contrato antes de que venza su próximo pago.

FORM B9I (Chapter 13 Case) (10/05)

Exhibit B

UNITED STATES BANKRUPTCY COURT
District of Puerto Rico

Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines
The debtor(s) listed below filed a chapter 13 bankruptcy case on February 4, 2006.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations.

Debtor(s) (name(s) used by the debtor(s) in the last 6 years, including married, maiden, trade, and address):

JUAN R GOMEZ MARTINEZ NILSA M RODRIGUEZ CORREA
1893 CALLE JUAN SUAREZ 1893 CALLE JUAN SUAREZ
URB FAIR VIEW URB FAIR VIEW
RIO PIEDRAS, PR 00926 RIO PIEDRAS, PR 00926

Case Number: Social Security/Taxpayer ID/Employer ID/Other Nos.:
06-00285-GAC13 GAC XXX-XX-7544
XXX-XX-9669

Attorney for Debtor(s) (name and address): Bankruptcy Trustee (name and address):
NOEMI LANDRAU RIVERA ALEJANDRO OLIVERAS RIVERA
PMB 660 ALEJANDRO OLIVERAS, CHAPTER 13 TRUS
497 EMILIANO POL PO BOX 9024062
SAN JUAN, PR 00926-5639 SAN JUAN, PR 00902-4062
Telephone number: 787-273-7949 Telephone number: 787 977-3500

Meeting of Creditors:

Date: March 15, 2006 Time: 10:00 AM

Location: OCHOA BUILDING, 500 TANCA STREET, FIRST FLOOR, SAN JUAN, PR 00901

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim:

For all creditors (except a governmental unit): **June 13, 2006** For a governmental unit will be *180 days after the filing date*.
Foreign Creditors

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to File a Complaint Objecting to Determine Dischargeability of Certain Debts:

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Filing of Plan, Hearing on Confirmation of Plan

The debtor has filed a plan. The hearing on confirmation will be held:

Date: April 21, 2006, Time: 03:30 PM, Location: 300 RECINTO SUR STREET, COURTROOM 3 THIRD FLOOR, SAN JUAN, PR 00901

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:

U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901
Telephone number: (787) 977-6000
<http://www.prb.uscourts.gov>

For the Court:

Clerk of the Bankruptcy Court:
CELESTINO MATTIA-MENDEZ

Hours Open: Monday – Friday 8:00 AM – 4:00 PM

Date: February 5, 2006

EXPLANATIONS

FORM B9I (10/05)

Filing of Chapter 13 Bankruptcy Case	A bankruptcy case under Chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on the front of this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the debtor's property and may continue to operate the debtor's business, if any, unless the court orders otherwise.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362 and § 1301. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. If you do not file a Proof of Claim by the "Deadline to file a Proof of Claim" listed on the front side, you might not be paid any money on your claim from other assets in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. Filing Deadline for a Foreign Creditor: The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523 (a)(2) or (4), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of property claimed as exempt, at the bankruptcy clerk's office.
Foreign Creditors	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
— Refer to Other Side for Important Deadlines and Notices —	

UNITED STATES BANKRUPTCY COURT Document Page 15 of 18		PROOF OF CLAIM
Name of Debtor JUAN R GOMEZ MARTINEZ NILSA M RODRIGUEZ CORREA		Case Number 06-00285 GAC
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503.		
Name of Creditor (The person or other entity to whom the debtor owes money or property):		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.
Name and Address where notices should be sent:		 06-00285
Telephone Number:		THIS SPACE IS FOR COURT USE ONLY
Last four digits of account or other number by which creditor identifies debtor:		Check here if <input type="checkbox"/> replaces this claim <input type="checkbox"/> amends a previously filed claim, dated: _____
1. Basis for Claim <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other		<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. §1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Last four digits of your SS #: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)
2. Date debt was incurred:		3. If court judgment, date obtained:
4. Classification of Claim. Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed. See reverse side for important explanations.		
Unsecured Nonpriority Claim \$ _____ <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.		Secured Claim <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff).
		Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____
		Value of Collateral: \$ _____
		Amount of arrearage and other charges <u>at time case filed</u> included in secured claim, if any: \$ _____
Unsecured Priority Claim <input type="checkbox"/> Check this box if you have an unsecured priority claim, all or part of which is entitled to priority Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,000),* earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507(a)(5).		<input type="checkbox"/> Up to \$ 2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(__). <small>*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
5. Total Amount of Claim at Time Case Filed: \$ _____ (unsecured) _____ (secured) _____ (priority) _____ (Total) _____		
<input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		THIS SPACE IS FOR COURT USE ONLY
6. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		
7. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
8. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		
Date	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):	

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

---- DEFINITIONS ----

Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

Creditor

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

Proof of Claim

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

Secured Claim

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*.)

Unsecured Claim

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

Unsecured Priority Claim

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

Items to be completed in Proof of Claim form (if not already filled in)

Court, Name of Debtor, and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

Information about Creditor:

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

Unsecured Priority Claim:

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

1. Basis for Claim:

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

Unsecured Nonpriority Claim:

Check the appropriate place if you have an unsecured nonpriority claim, sometimes referred to as a "general unsecured claim". (See DEFINITIONS, above). If your claim is partly secured and partly unsecured, state here the amount that is unsecured. If part of your claim is entitled to priority, state here the amount **not** entitled to priority.

2. Date Debt Incurred:

Fill in the date when the debt first was owed by the debtor.

5. Total Amount of Claim at Time Case Filed:

Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

3. Court Judgments:

If you have a court judgment for this debt, state the date the court entered the judgment.

6. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

4. Classification of Claim

Secured Claim:

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state

7. Supporting Documents:

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.

BAE SYSTEMS

Bankruptcy Noticing Center
2525 Network Place, 3rd Floor
Herndon, Virginia 20171-3514

CERTIFICATE OF SERVICE

District/off: 0104-3
Case: 06-00285

User: admin
Form ID: b9i

Page 1 of 1
Total Served: 34

Date Rcvd: Feb 06, 2006

The following entities were served by first class mail on Feb 08, 2006.

db +JUAN R GOMEZ MARTINEZ, 1893 CALLE JUAN SUAREZ, URB FAIR VIEW, RIO PIEDRAS, PR 00926-7633
jdb +NILSA M RODRIGUEZ CORREA, 1893 CALLE JUAN SUAREZ, URB FAIR VIEW, RIO PIEDRAS, PR 00926-7633
aty +NOEMI LANDRAU RIVERA, PMB 660, 497 EMILIANO POL, SAN JUAN, PR 00926-5602
smg DEPARTAMENTO DE HACIENDA, PO BOX 9024140, OFICINA 424-B, SAN JUAN, PR 00902-4140
smg FEDERAL LITIGATION DEPT. OF JUSTICE, PO BOX 9020192, SAN JUAN, PR 00902-0192
smg PR DEPARTMENT OF LABOR, PRUDENCIO RIVERA MARTINEZ BLDG, 505 MUNOZ RIVERA AVENUE, 12 FLOOR,
SAN JUAN, PR 00918
smg +US TRUSTEE, EDIFICIO OCHOA, 500 TANCA STREET SUITE 301, SAN JUAN, PR 00901-1938
ust +MONSITA LECAROZ ARIBAS, OFFICE OF THE US TRUSTEE (UST), OCHOA BUILDING,
500 TANCA STREET SUITE 301, SAN JUAN, PR 00901-1938
2280608 +BANCO POPULAR DE PUERTO RICO, MORTGAGE SERVICING DEPT, PO BOX 362708,
SAN JUAN, PR 00936-2708
2280609 +BANCO POPULAR DE PUERTO RICO, PO BOX 70100, SAN JUAN, PR 00936-8100
2280610 +BENNETT & DELONEY, PC, PO BOX 190, MIDVALE, UT 84047-0190
2280611 +CAPITA MANAGEMENT SERVICES INC, 726 EXCHANGE STREET SUITE 700, BUFFALO, NY 14210-1464
2280612 +CARRIER, PO BOX 703, WOOD DALE, IL 60191-0703
2280613 +CENTENNIAL DE PUERTO RICO, PO BOX 71333, SAN JUAN, PR 00936-8433
2280615 +COLLECTION ADVISMENT & ASSOCIATES, PO BOX 195162, SAN JUAN, PR 00919-5162
2280616 +CRESCA CORPORATION, PMB 92 PO BOX 71325, SAN JUAN, PR 00936-8425
2280618 +DEPARTMENT OF TREASURY, PO BOX 9022501, SAN JUAN, PR 00902-2501
2280619 +DIEGO RENTAL, AVENIDA DE DIEGO NUMERO 473, PUERTO NUEVO, PR 00920-3706
2280620 +FINANCIAL RECOVERIES SERVICES INC, PO BOX 355908, MINNEAPOLIS, MN 55438
2280621 +HILCO RECEIVABLES LLC, 2880 DRESDEN DRIVE, ATLANTA, GA 30341-3920
2280623 +MBNA AMERICA, PO BOX 15026, WILMINGTON, DE 19850-5026
2280624 +NU-VUE INDUSTRIES, PO BOX 10087, CAPARRA HEIGHTS STA, SAN JUAN, PR 00922-0087
2280625 +POPULAR AUTO, PO BOX 15011, SAN JUAN, PR 00902-8511
2280626 +RAFAEL SANCHEZ HERNANDEZ, EDIF FIRST BANK OFIC 320, 1519 AVE PONCE D LEON,
SAN JUAN, PR 00909-1732
2280627 +SEARS, PO BOX 70148, SAN JUAN, PR 00936-8148
2280628 +SPRINT, PO BOX 8077, LONDON, KY 40742-8077
2280629 +STEEL & PIPES, PO BOX 5309, CAGUAS, PR 00726-5309
2280630 +TRAUNER, COHEN & THOMAS, LLP, 2880 DRESDEN DRIVE, ATLANTA, GA 30341-3920

The following entities were served by electronic transmission on Feb 06, 2006 and receipt of the transmission was confirmed on:

tr E-mail: enotice@ch13sju.com Feb 06 2006 19:00:48 ALEJANDRO OLIVERAS RIVERA,
ALEJANDRO OLIVERAS, CHAPTER 13 TRUS, PO BOX 9024062, SAN JUAN, PR 00902-4062
smg +EDI: IRS.COM Feb 06 2006 15:44:00 INTERNAL REVENUE SERVICE, PO BOX 21126,
PHILADELPHIA, PA 19114-0326
2280607 +EDI: RESURGENT.COM Feb 06 2006 15:44:00 ALEGIS GROUP LP, PO BOX 741027,
HOUSTON, TX 77274-1027
2280614 +EDI: FIRSTUSA.COM Feb 06 2006 15:44:00 CHASE, PO BOX 15298, WILMINGTON, DE 19850-5298
2280617 +E-mail: cfigueroa@crimpr.net Feb 06 2006 22:25:13 CRIM, PO BOX 195387,
SAN JUAN, PR 00919-5387
2280622 +EDI: IRS.COM Feb 06 2006 15:44:00 INTERNAL REVENUE SERVICE,
MERCANTIL PLAZA BUILDING ROOM 914, 2 PONCE D LEON AVE 27 1/2 STOP, SAN JUAN, PR 00918-1621
2280627 +EDI: SEARS.COM Feb 06 2006 15:44:00 SEARS, PO BOX 70148, SAN JUAN, PR 00936-8148
TOTAL: 7

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 08, 2006

Signature:

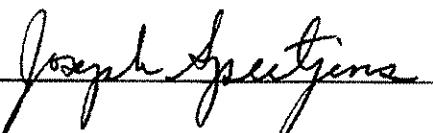


Exhibit C

165 LAWRENCE BELL DR STE 100
PO BOX 9027
WILLIAMSVILLE, NY 14231-9027

FORWARDING SERVICE REQUESTED



NAFS

National Action Financial Services, Inc.
1-866-529-1899 1-716-565-1020
Fax 716-650-6268

PREVIOUS CREDITOR: STEEL & PIPES
CURRENT CREDITOR: CAVALRY FORTFOLIO
SERVICES LLC
REFERENCE: 08038197
BALANCE: \$537.00

NOV 09 2007

55163070 95
***** MIXED AADC 140
*B-02-N40-AM-14599

JUAN
FAIRVIEW 1893 JUAN
SUAR
SAN JUAN PR 00926
62

Please check box if above address is incorrect
and indicate change(s) on reverse.

DEAR JUAN:

THE ACCOUNT LISTED ABOVE HAS BEEN PLACED WITH OUR AGENCY FOR COLLECTION.

YOUR ACCOUNT IS SERIOUSLY PAST DUE AND MUST BE PAID IN FULL OR WE WILL PROCEED WITH APPROPRIATE COLLECTION ACTIVITY.

PLEASE REMIT THE ENTIRE BALANCE DUE TO OUR OFFICE USING THE RETURN ENVELOPE PROVIDED.

IF YOU HAVE ANY QUESTIONS OR WISH TO DISCUSS YOUR ACCOUNT WITH ONE OF OUR REPRESENTATIVES,
PLEASE CALL OUR TOLL FREE NUMBER AT 1-866-529-1899.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE
VALIDITY OF THE DEBT OR ANY PORTION THEREOF, OUR OFFICE WILL ASSUME THIS DEBT IS VALID. IF YOU
NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE THAT YOU DISPUTE THIS DEBT
OR ANY PORTION THEREOF, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A
JUDGMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION UPON YOUR WRITTEN REQUEST
WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE. THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS
OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

NATIONAL ACTION FINANCIAL SERVICES, INC., 165 LAWRENCE BELL DRIVE, STE 100, P.O. BOX 9027,
WILLIAMSVILLE, NY 14231-9027.

FOR PROBLEMS RELATING TO THE HANDLING OF THIS ACCOUNT YOU MAY CONTACT JIM RICH, PRESIDENT/CEO
AT 1-300-547-9106.